UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.293
29 May 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 293rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 May 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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GE.96-16500 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Zimbabwe (CRC/C/3/Add.35, CRC/C.12/WP.7)

1. At the invitation of the Chairperson, Mr. Stamps, Mrs. Manyawu, Mrs. Dhlembeu, Mrs. Musarurwa, Mrs. Msika, Mr. Maunganidze, Ms. Ndaona and Mr. Chikorowondo (Zimbabwe) took places at the Committee table.

2. Mr. STAMPS (Zimbabwe) said that the Inter-Ministerial Committee on Human Rights and International Humanitarian Law established in 1993 had been involved in the preparation of the initial report submitted by Zimbabwe (CRC/C/3/Add.35). The Committee had been set up to identify international human rights instruments which Zimbabwe had not yet ratified and to make recommendations about their ratification; to ensure that human rights instruments which had been ratified were incorporated into domestic legislation and that Zimbabwe's reporting obligations under those instruments were met; to monitor the Government's compliance with the human rights instruments to which Zimbabwe was a party; and to inform Government ministries of the country's obligations under those instruments.

3. He drew attention to the Zimbabwean Government's written responses to the questions of the Pre-Sessional Working Group of the United Nations Committee on the Rights of the Child, promising that a clean copy, incorporating some corrections and additions, would be circulated in due course.

4. Mr. HAMMARBERG asked for clarification on the roles of the various bodies mentioned in the report. In particular, he wished to know which body was responsible for coordinating and monitoring the implementation of the Convention.

5. Mrs. SANTOS PAIS noted that the Committee had information about the situation in Zimbabwe not only from the report, but also from a visit made there by its own members two years previously. Of particular importance for policies affecting children was the fact that almost half of the population was under the age of 15, and 70 per cent lived in rural areas. Economic reform was taking place against a background of rich cultural diversity and strong traditions. The report submitted by Zimbabwe was honest and self-critical but was vague about how to tackle the problems identified, such as how to coordinate the implementation of the Convention or how to divert resources to rural areas.

6. Mrs. EUFEMIO asked for clarification on the precise role of the Ministry of Health and Child Welfare in the implementation of the Convention, and how responsibility for that implementation was shared with non-governmental organizations and other relevant Government departments. She surmised that the National Programme of Action for Children was limited to the education and health sectors, and asked how, if that was the case, it could be expanded to address other aspects of the Convention, such as civil rights or the rights of children in especially difficult circumstances.

7. She also wished to know to what extent the findings on child sexual abuse had been put to use, other than to draw up a set of indicators.

8. Mr. STAMPS (Zimbabwe) said that answers to many of the Committee's questions including the costs of individual measures to improve the rights of the child, were contained in the National Programme of Action for Children (NPA).

9. Under Zimbabwe's parliamentary system, the monitoring of activities was shared between the various ministries, although overall monitoring fell to the Cabinet, which could call a ministry to task if it was found negligent with respect to the implementation of policy on children. The focal ministry for monitoring progress on the NPA and the Convention was the Ministry of Health and Child Welfare which liaised with other relevant ministries so that a comprehensive picture could be established. The Ministry had one officer who coordinated progress reports from other ministries and had in fact compiled the report that had been submitted to the Committee.

10. Mrs. MUSARURWA (Zimbabwe) said that the Secretariat of the Ministry of Health and Child Welfare had identified national focal points from each ministry who would be responsible for monitoring implementation of the Convention and the NPA according to their particular terms of reference.

11. Mr. STAMPS (Zimbabwe) said that an annual report was made to Parliament showing progress made in the implementation of all international conventions to which Zimbabwe was a party. Non-governmental organizations did sterling work in complementing Government efforts to improve the situation of children and raising awareness, as in the case of children working on commercial farms.

12. With regard to the question on research into child sexual abuse, evidence had shown that there was a lack of sensitivity in the treatment of children by the police and in court, especially during cross-examination. Measures had already been taken to minimize the trauma of such court appearances for children and women. Courses had been set up to teach the police how to deal with children in general, but more particularly those who had been abused or violated. Attention was also being given to the plight of children who lived in prison with their mothers who were inmates, although much remained to be done. Of equal concern was the burgeoning problem of street children, some of whom were encouraged by their families to leave home and fend for themselves because the family could not afford to keep them.

13. Mr. HAMMARBERG asked for further clarification of the roles and responsibilities of the Ministry of Health and Child Welfare and the Ministry of Public Service, Labour and Social Welfare which also seemed to have a key role in monitoring implementation of the NPA and the Convention. The decision to submit an annual report to the Cabinet was to be applauded. From the oral presentation, it appeared that the measures referred to in chapter VI of the report (CRC/C/3/Add.35) had become part of government policy. Confirmation of whether that was so would be welcome.

14. Still on the question of monitoring, he asked to what extent the Office of the Ombudsman could look into child-related issues and whether it was given the resources to enable it to monitor implementation of the Convention and the status of the rights of the child.

15. Mrs. SANTOS PAIS said that coordination played a key role in the promotion of children's rights, for two reasons. First, it was essential that decision makers should be able to look at a given situation as a whole, preferably on the basis of systematic data, so that they could tailor their policies to fit the requirements. An effective data collection system was of particular importance in a country such as Zimbabwe, where 70 per cent of the population lived in rural areas which were traditionally difficult to monitor. Second, although the report stated that legislation covered all areas of the rights of the child in principle, it was impossible, without reliable, coordinated feedback, to tell whether that legislation was being effectively implemented in practice.

16. Zimbabwe's efforts to alleviate poverty were to be applauded. However, the report referred to the fact that lower income groups, particularly in rural areas, were still disadvantaged and had limited access to health and education services. How, therefore, could the existing system be improved to ensure that resources were used effectively to help children? Did the Government give children's needs the priority recommended at the World Summit for Children? And how was it trying to ensure that children in rural areas had the same opportunities as urban children?

17. Miss MASON asked whether the Government had considered appointing an Ombudsman for children to deal with issues specifically related to the rights of the child and issues presently outside the terms of reference of the ombudsman as described in paragraphs 54 to 58 of the core document (HRI/CORE/1/Add.55).

18. Mrs. EUFEMIO asked whether local authorities were involved in the implementation of the Convention, and whether young persons participated in implementation at the community level on a systematic basis. Also, was it possible to introduce a system along the lines of the community-based surveillance system for nutrition for the surveillance and early detection of violence against children, for example?

19. Mrs. KARP asked whether statistics were available on the economic situation since the initial report had been written, and if so, what impact they had had on the programme to alleviate poverty. Also, she asked for clarification on the content of the programme and if any changes had been made to ensure that it benefited the most vulnerable sectors of the population. She wondered whether the National Programme of Action for Children, had been developed through a coordinated policy of all government ministries and how resources were allocated.

20. Mrs. MSIKA (Zimbabwe) said that the Office of the Ombudsman was responsible for investigating possible maladministration by government officials. The Government was considering extending the Office's powers to include investigation of human rights violations in general, but was a long way from taking any firm decision.

21. Mrs. MUSARURWA (Zimbabwe) said that coordination with regard to the problem of child sexual abuse had prompted a study which was based on consultation with various ministries and NGOs. Consensus had also been reached on changes to procedures governing court appearances of children in

sexual abuse trials. The reforms, which enjoyed widespread support among law-enforcement officers, would be in place by June 1996. The Ministry of Health and Child Welfare had also looked into the training of doctors to deal with cases of child sexual abuse and had worked with the Ministry of Education to find ways to educate local communities on children's rights and, in the area of abuse, to help communities to communicate more effectively with their children.

22. Mr. STAMPS (Zimbabwe) drew attention to the Children's Parliament as a forum in which awareness of children's rights was fostered. He had been impressed by the level of debate and understanding shown by the delegates, who were elected by their peers. The annual meeting of the Parliament was the culmination of year-long activity. It made children better informed about HIV/AIDS, for example, and enabled them to speak of it at home. The 1994 Child President had presented Zimbabwe's report at an international meeting on AIDS. Funds for the dissemination of information were severely limited, stretching only to the salary of one person within his Ministry, although backup was provided by other officials. The task was made easier by the fact that the country enjoyed 100 per cent school enrolment.

23. Ms. DHLEMBEU (Zimbabwe) said that sometimes there was insufficient knowledge of existing legislation. The Child Welfare Forum therefore had the task of implementing legislation and coordinating decisions by provincial branches of the Forum and by ministries and non-governmental organizations. It was chaired by the Department of Social Welfare, with secretariat work being carried out by the Ministry of Health. It aimed above all to help children in difficult circumstances. Some problems could be dealt with by traditional healers and leaders, but others were passed on to the Forum.

24. Mr. STAMPS (Zimbabwe) said that an effort was being made to inculcate into the police greater sensitivity in dealing with children and other disadvantaged groups. There was less hope of achieving that aim among the defence forces, though attempts were being made to reduce their numbers.

25. The Government had set up the Zimbabwe Youth Council, within which young people could discuss various issues and examine trends. In that context he paid tribute to the work of the churches, which had a pivotal role with regard to morality and human behaviour. An increasingly important role was being played by local authorities, since a violation of children's rights clearly needed a quick response. A more rapid reaction to local problems had become possible following the reforms under which mayors had become executives rather than mere figureheads. In that connection he regretted that traditional chiefs attributed what they saw as a decline in morality among young people to a lack of discipline. They considered it a direct result of the removal of their own powers and therefore declined to do more to help.

26. He noted that the Poverty Alleviation Action Programme, an extension of the Drought Relief Programme, had been finalized. Fees for health treatment at primary level had been abolished, whatever the family's income, with the result that the treatment of children had become more sensitive. More funds were needed, particularly to tackle the problems of tuberculosis, HIV/AIDS and the consequences of drought, but there was no guarantee that they would be forthcoming.

27. Mr. HAMMARBERG, commending Zimbabwe's honesty regarding its financial predicament, pointed out that, according to UNICEF criteria, Zimbabwe's allocations for children were relatively high. What with paying for drought relief and servicing its debt, however, the country's financial situation was clearly bad and it was hard for the Committee to make recommendations, particularly since Zimbabwe seemed fully aware of its problems. He wondered whether more of the overseas assistance received by the country could be directed at children, which would be good in itself but also made sense economically. He also suggested that a separate office dealing with children's issues could be established, staffed by people with child-orientated expertise. That might be preferable to appointing an ombudsman, whose functions were more narrowly legal.

28. Miss MASON noted that Zimbabwe had several different kinds of law, with the Constitution being paramount. She asked whether - the Constitution apart - there was a hierarchy of laws and what happened if there was a conflict between traditional law and other laws, particularly in view of the diminished powers of the chiefs.

29. Mrs. SANTOS PAIS welcomed the fact that the appointment of an ombudsman was under consideration, especially if his brief was to include monitoring of the police, who were currently exempt from examination of violations. She commended Zimbabwe's record of coordination, as evidenced by the way it had dealt with the issue of sexual abuse. She believed, however, that it could usefully be put on a more systematic basis.

30. Such initiatives as the Zimbabwe Youth Council and the AIDS programme were outstanding and she only regretted that the report gave them too little prominence, since they deserved to be seen and imitated by the rest of the world. Zimbabwe should not, however, lose sight of the continuing need to educate adults - police, lawyers and others - for whom training in children's rights could become part of the curriculum rather than being provided by occasional courses. Lastly, she sought an assurance that a comprehensive review of legislation would be undertaken to ensure that there was truly no discrimination in any area of life, whether in medical treatment, in the question of equality before the law or in ensuring the equal validity of both parents.

31. Mr. STAMPS (Zimbabwe) said that there had been a recent proliferation of non-governmental organizations in the country, especially ones concerned with women, for understandable reasons. Their activities were hard to coordinate or monitor and in some cases they made improper use of their resources. One, called Street Kids in Action, had adopted a voyeuristic approach, presenting a negative picture of Africa by encouraging street children to undertake activities on film - such as drug abuse - that they would not otherwise have engaged in. He fully agreed that institutionalizing the Government's relations with many NGOs would be a positive step. With regard to the suggestion for a ministry for children, he considered that the situation was best served by the present arrangement, in which the one official with responsibility for children was assisted by the ministry's whole staff, where necessary. There was a danger that human capital would be invested without achieving the desired effect. A case in point was the Ministry of Environment and Tourism, which had been set up with enthusiasm, but had seen its budget shrink, with the result that 95 per cent of its funds went on salaries and only 5 per cent remained for materials.

32. As a member of the Cabinet Committee on legislation he had been able to raise issues relating to child welfare. For example, a child could not now be prevented from having a vaccination or immunization merely because a parent was opposed to it. That was important given the fact that his Government was close to eliminating a number of childhood diseases. It was that sort of interplay between Cabinet colleagues which was producing results.

33. The recent drought had differed from other droughts that the country had had to face, in that it had involved the early termination of rain. Up to that point, crops had grown quite well and it had been thought that there would be a reasonable harvest. However, maize depended on atmospheric moisture for fertilization and could then produce good yields even if the rain had stopped. On this occasion, the rainfall had stopped at a crucial time and the crops had failed. The consequent diversion of resources to purchasing grain created budgetary stresses for every ministry, in particular the Ministry of Health and Education, where the per capita allocation had shrunk by 39 per cent in real terms over the past five years.

34. There was a sort of legal hierarchy extending from the village and community courts to the chiefs court and then the magistrate courts. The tendency was for matters such as family law to be dealt with in the community courts, whereas property law was more likely to be dealt with in the conventional courts. His Government was currently establishing a small claims court which would reduce the cost of actions involving small amounts. The conflict between traditional and conventional laws was a matter which required further attention. It had been difficult for the chiefs to adapt to the loss of some of their powers and the intention was to return some of those powers to them, in particular the control of land, which would also make them responsible for protecting the environment.

35. Training regarding the rights of the child was provided to lawyers, particularly defence lawyers, and to teachers, as well as to the police. While sharing the moral dilemma of increasing tobacco production, he said that tobacco was the only commodity in Africa which had retained its relative value, and its production generated considerable revenues.

36. His country's defence forces were being reduced and those that remained were being used increasingly in peace-keeping operations in neighbouring countries, which generated additional revenues.

37. Debt servicing was one of Zimbabwe's greatest problems, at present, accounting for 31 per cent of the overall recurring budget. That restricted the resources available for investment in capital development projects, without which economic reforms would be pointless. Despite all the difficulties, however, the proportion of GDP used by the Government had been reduced from 53 per cent to 40 per cent since 1989.

38. Mrs. SANTOS PAIS said it was her impression that article 5 of the Convention was not completely respected, particularly with regard to the provision of appropriate parental direction and guidance. It was necessary to combine that direction and guidance with a growing autonomy according to the age and maturity of the child.

39. With regard to the question of marriage, she was somewhat confused, by the existence of different legal systems. According to the common law, boys could be married at the age of 14 and girls at 12, while under the Marriages Act boys could be married at 18 and girls at 15 and, under the African Marriages Act, girls were allowed to marry at 12 and there was no specific age limit for boys. It was her understanding that customary law applied only to traditional societies and thus represented a legal system based on race, which did not seem to be ideal. She would like to know how the Government of Zimbabwe could be encouraged to have a single legal age of 18 for marriage. The fact that the Convention did not refer to marriage was meaningful and indicated that marriage was probably not for children below the age of 18.

40. Mrs. KARP said she would like to know what had led the Government to decide not to legalize the age of marriage. She would also like to know what action was being undertaken by the Government to prohibit early marriage.

41. Miss MASON said that, under the legal Age of Majority Act, a child was defined as someone below the age of 18. That created an anomalous situation. She would like to know how such persons were regarded in legal terms.

42. Mr. STAMPS (Zimbabwe) said that persons below the age of 18 were regarded as minors.

The meeting rose at 6 p.m.